

Application No. 10/790,728  
Reply dated: October 27, 2008  
Reply to Office Action of August 25, 2008

Docket No.: 1630-0369PUS1

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### REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-17 are now present in the application. Claims 1 and 9 have been amended. No new matter has been added. Claims 1 and 9 are independent. Reconsideration of this application is respectfully requested.

#### *Response to Arguments in the Office Action*

In response to the Amendment filed on May 29, 2008, the Office Action has maintained 102 and 103 rejections made in the previous office action. In doing so, the Office Action has asserted that

Takeda clearly discloses data recording and processing ROPC when necessary (Fig. 13, step 412; Paragraph [0092]) ... After the optimum power is set, data recording process begins and processing ROPC is performed (Fig. 13). Figures [sic] 13 show[s] that record data start[s] in step 410, detects the returned light intensity from recording mark [in] step 411 ... the data recording continue[s] to step 410 (Paragraph [0092]), therefore, not necessary to increase power and process the ROPC.

(See page 6 of the Office Action).

Applicant respectfully disagrees. As correctly noticed by the Office Action, Figure 13 of the Takeda publication discloses performing an ROPC (step 412). What is missing, however, in the Takeda publication is determining whether or not to perform the step 412. Therefore, Takeda fails to teach or suggest determining whether or not an ROPC is necessary in the recording process. Furthermore, as shown in Figure 13 of Takeda, the entire steps S410 – S417 of Figure 13 form a repeating loop, which means that step S412 is performed until the recording process is

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completed (see Figure 13 of Takeda). Thus, in the system in Takeda, it is not necessary to determine whether or not an ROPC is necessary in the recording process.

***Claim Rejections – 35 U.S.C. § 102***

Claims 1-4, 6, 7, and 9-14 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Takeda (US Patent Application Publication 2003/0043714). This rejection is respectfully traversed.

As discussed above in the Response to Argument section, the Takeda publication is silent as to the step of “determining whether or not a running optimal power calibration (ROPC) is necessary, based on a B-level and an RF signal level detected in the writing step,” as recited in claim 1. Furthermore, the Takeda system performs the ROPC in a repeating loop, and therefore, the ROPC is not terminated until the recording process is completed. Thus, Takeda fails to teach or suggest “terminating the ROPC and performing a writing operation by increasing the writing power based on power update information when the current writing power is larger than an upper bound of the predetermined ROPC range,” as recited in claim 1. As Takeda does not disclose or suggest every feature of the rejected claim as required by 35 U.S.C. § 102, Applicant respectfully submits that claim 1 is allowable. Claims 2-4 and 6-7 depend from claim 1, rendering them also allowable for at least the same reasons. Claim 9 includes similar claim language as that cited above with respect to claim 1. As such, claim 9 and its dependent claims 10-14 are rendered allowable for at least the same reasons as set forth above with respect to claim 1.

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***Claim Rejections – 35 U.S.C. § 103(a)***

Claims 5, 8, and 15-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takeda in view of Ogawa (US 2003/0161237).

This rejection is predicated on the above characterization of the Takeda publication and is respectfully traversed, for the reasons pointed out above. Accordingly, Applicant respectfully submits that the rejections of claims 5, 8, and 15-17 lack foundation and should be withdrawn.

**CONCLUSION**

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Jun S. Ha, Registration No. 58,508, at (703) 205-8000, in the Washington, D.C. area.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 27, 2008

Respectfully submitted,

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